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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/752,037 | 12/29/2000 | Frank Liebenow | 450.317US1 | 8768 |
| 24333 | 7590 | 12/15/2005 | EXAMINER | |
| GATEWAY, INC. | | | LE, KAREN L | |
| ATTN: SCOTT CHARLES RICHARDSON | | | ART UNIT | PAPER NUMBER |
| 610 GATEWAY DRIVE | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/752,037 | LIEBENOW, FRANK |
| | Examiner | Art Unit |
| | Karen L. Le | 2642 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 and 50-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-48 and 50-54 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This action is in response to applicant's response filed on July 25, 2005. Claims 1- 48 and 50-54 are now pending in the present application. **This action is made non-final.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 9-14, 18, 20-29, 31-39, 41, 44-48 and 50-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Novak (U. S. 4,266,098).

Regarding claims 1, 9, 10, 20, 22-23 and 51-52, Novak teaches a method, a computer readable medium, of handling a call from a caller to a communication device, the method comprising:

Receiving the call (Col. 1, lines 49-50), determining if the communication device is in a privacy operating mode or a normal operating mode (Col. 1, lines 50-56). The privacy mode is on when the answering device 4, is on. The privacy mode is off when the answering device 4 is off, and if the communication device is in the privacy operation mode, completing the call if a privacy mode code is entered by the caller (Col. 2, lines 2-22).

If the communication device is in the privacy mode, providing a privacy mode message including a selected privacy override code to the caller (Col.1, lines 53-68).

It is inherence that Novak's device can also provide the caller with the means to override the privacy mode in case of emergency by giving out the override code in the message of answering machine. The description in Novak is intended as illustrative only and is not to be interpreted in the limiting sense.

Regarding claims 2, 11, 21, 24, 26, 33, and 38, Novak further teaches if the communication device is in the privacy operating mode, routing the call to a message system if no privacy mode code is entered by the caller (Col. 4, lines 31-32).

Regarding claims 3, 14, 29, and 34, Novak further teaches the privacy mode is selected by a user of the communication device (Col. 2, lines 57-61).

Regarding claims 7, 12-13, 18, and 41, Novak further teaches a privacy mode message selected by a user of the communication device (Col. 3, lines 1-3) and adapted to be provide to the caller prior to completing the call (Col. 1, lines 46-56) and the privacy mode code selected by the user of the communication device (Col. 2, lines 61-68).

Regarding claims 25, 31-32, 35-37 and 39, Novak further teaches a system for handling a call from a caller to a user of a communication device comprising:

a data entry device capable of receiving input to cause the communication device to enter a privacy operating mode from a normal operating mode, a memory capable of storing a privacy mode message, the privacy mode message including a selected

privacy override code adapted to be provided to the caller prior to completing the call to the user, and a receiver capable of completing the call to the user if a privacy mode code is entered by the caller, a transmitter capable of completing the call to the user if the communication device is in the privacy mode and the privacy mode code is entered by the caller (Col. 1, lines 45- Col. 2, lines 15).

Regarding claim 27, Novak further teaches the data entry device is a telephone keypad (Col. 1, lines 58-63).

Regarding claims 28, Novak further teaches the privacy mode code comprises at least one keystroke from the data entry device (Col. 2, lines 1-6).

Regarding claims 44, Novak further teaches if the communication device is in the privacy operating mode, passing the call to a voice messaging system if the privacy mode code is not entered by the caller, the voice messaging system being capable of recording a message spoken by the caller making the call (Col. 1, lines 46-56).

Regarding claims 45-48, Novak further teaches if the communication device is in the privacy operating mode, blocking completion of the call until the privacy mode code is entered. If the communication device is in the privacy operating mode preventing the communication device from producing an incoming call signal if the privacy mode code is not entered by the caller (Col. 1, lines 18-19 and 46-56).

Regarding claim 50, Novak further teaches establishing for the communications device a normal operating mode and the privacy operating mode. Normal mode of operation is characterized by producing an incoming call signal upon receipt of the call,

and the privacy mode is characterized by producing the incoming call signal only if the caller has entered the privacy mode code (Col. 1, lines 13-15)

Regarding claims 53, Novak further teaches the step of receiving a spoken command from a user of the communication device to place the communication device in the privacy operating mode.

Regarding claims 54, Novak further teaches if the communication device is in the privacy mode, preventing the communication device from producing an incoming call signal if the privacy mode code is not entered by the caller while providing information regarding the incoming call through a display on the communication device (Col. 2, lines 47-52 and Col. 3, lines 13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 8,15-17, 19, 30, 40, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U. S. 4,266,098) in view of Patsiokas et al. (U. S. 4,941,203).

Regarding claims 4, 15, 30, and 43, Novak does not teach communication device is one of a cellular telephone and personal digital assistant. However, Patsiokas teaches communication device is one of a cellular telephone and personal digital assistant (Abstract, lines 1-2). Patsiokas teaches call screening mode in a radio communication system includes a base station and a plurality of remote units. If a caller enters an override code, the system establishes voice communication between the caller and the called remote unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patsiokas' system to Novak's system to provide privacy mode in a radio system.

Regarding claims 5 and 16, Novak does not teach the method is performed by one of a base station and a switch. However, Patsiokas teaches the method is performed by one of a base station and a switch (Col. 1, lines 45-51). Patsiokas teaches call screening mode in a radio communication system includes a base station and a plurality of remote units. If caller enters an override code, the system establishes voice communication between the caller and the called remote unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patsiokas' system to Novak's system to provide privacy mode that is performed by one of a base station and a switch.

Regarding claims 6, 8, 17, 19, 40 and 42, Novak does not teach receiving a request from the communication device to place the communication device in the

privacy and does not teach receiving a request from the communication device to place the communication device out of the privacy mode. However, Patsiokas teaches receiving a request from the communication device to place the communication device in the privacy and receiving a request from the communication device to place the communication device out of the privacy mode (Col. 1, lines 52-53). Patsiokas teaches a mean for selecting a particular communication or operating mode. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patsiokas' system to Novak's system to provide a mean for selecting mode.

Response to Arguments

6. Applicant's arguments filed on September 22, 2005 have been fully considered but they are not persuasive.

Applicant argues that Novak does not teach if the communication device is in the privacy operating mode, announcing the privacy mode code to the caller. However, it is inherence that Novak's device can also provide the caller with the means to override the privacy mode in case of emergency by giving out the override code in the message of answering machine. The description in Novak is intended as illustrative only and is not to be interpreted in the limiting sense.

Applicant also argues that Novak does not teach his system has more than one mode, and nothing indicates that the Novak system has more than one "mode". Examiner respectfully disagrees. Novak teaches the privacy mode is on when the

answering device 4 is on. The privacy mode is off when the answering device 4 is off. Novak further teaches the system can be programmed such that only certain calls can be accepted at certain time. The caller's call was not acceptable (privacy mode on) at certain times by connecting (Fig. 1) answering device 4, converter 5, processor 6, memory 7 and display 8 to answering telephone 3 or (in Fig. 2) wired clock 10 to processor 6 to set condition upon which calls would be accepted at certain times only. (Col. 2, lines 45-46, lines 15-32 and Col. 3, lines 9-11, lines 18-24, lines 26-29). Novak teaches the caller's call was acceptable (privacy mode off) at certain times by disconnecting (Fig. 1) device 4, 5, 6, 7 and 8 from answering telephone 3, or (Fig. 2) unwired clock 10 to processor 6. Thus, Novak does disclose whether a communication is in a privacy mode.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2642

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le
KLL
December 8, 2005



BING Q. BUI
PRIMARY EXAMINER